

considers relevant regarding the matters under investigation.

#### **§ 1b.19 Submissions.**

When the Investigating Officer determines it is appropriate in the interest of the proper administration of the law, he may inform any person that a recommendation may be made to the Commission that said person be a defendant in a civil action to be brought by the Commission. In such case, said person may submit a statement of fact, argument, and/or memorandum of law, with such supporting documentation as said person chooses showing why said person should not be a defendant in any civil action brought by the Commission. The investigating officer shall inform said potential defendant of the date by which such statement may be submitted to said officer, and if such statement is submitted by such date, it shall be presented to the Commission together with any recommendation for enforcement action by the office responsible for the investigation.

#### **§ 1b.20 Request for confidential treatment.**

Any person compelled to produce documents in an investigation may claim that some or all of the information contained in a particular document(s) is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552), is information referred to in 18 U.S.C. 1905, or is otherwise exempt by law from public disclosure. In such case, the person making such claim shall, at the time said person produces the document to the officer conducting the investigation shall also produce a second copy of the document from which has been deleted the information for which the person wishes to claim confidential treatment. The person shall indicate on the original document that a request for confidential treatment is being made for some or all of the information in the document and shall file a statement specifying the specific statutory justification for non-disclosure of the information for which confidential treatment is claimed. General claims of confidentiality are not sufficient. Sufficient information must be furnished for the officer conducting

the investigation, or other appropriate official, to make an informed decision on the request for confidential treatment. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information, the person shall include a statement specifying why the information is privileged or confidential. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the Officer conducting the investigation may assume that there is no objection to public disclosure of the document in its entirety. The Commission retains the right to make the determination with regard to any claim of confidentiality. Notice of the decision by the investigating Officer or other appropriate official to deny a claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality no less than 5 days before its public disclosure.

### **PART 2—GENERAL POLICY AND INTERPRETATIONS**

#### STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS OF THE COMMISSION

##### Sec.

- 2.1 Initial notice; service; and information copies of formal documents.
- 2.1a Public suggestions, comments, proposals on substantial prospective regulatory issues and problems.
- 2.1b Availability in contested cases of information acquired by staff investigation.

#### STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS UNDER THE FEDERAL POWER ACT

- 2.2 Transmission lines.
- 2.4 Suspension of rate schedules.
- 2.7 Recreational development at licensed projects.
- 2.8 Simplification of wholesale electric rate schedule filings.
- 2.9 Conditions in preliminary permits and licenses—list of and citations to “P—” and “L—” forms.
- 2.12 Calculation of taxes for property of public utilities and licensees constructed or acquired after January 1, 1970.
- 2.13 Design and construction.
- 2.15 Specified reasonable rate of return.
- 2.17 Price discrimination and anticompetitive effect (price squeeze issue).
- 2.18 Phased electric rate increase filings.
- 2.19 State and Federal comprehensive plans.